

In the Matter of )  
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GARMIN INTERNATIONAL, INC. )  
 )  
Request for Waiver of Family Radio Service Rule )  
Sections 95.193(a) and 95.631(d) to Authorize )  
Manufacture, Sale and Use of GPS Transmission )  
Enhanced FRS Units )

**Released: August 21, 2002**

<sup>7</sup> *Id.* at 12978 ¶ 2.

services, non-voice emission types, except tones transmitted to establish or continue voice communications, were not authorized.<sup>8</sup>

3. On June 22, 2000, GARMIN requested a waiver of Section 95.193(a) of the Commission's Rules,<sup>9</sup> which allows FRS units to be used solely to conduct two-way voice communications and certain described one-way voice communications.<sup>10</sup> GARMIN also requested a waiver of Section 95.631(d) of the Commission's Rules, which limits FRS units to using emission type F3E and selective calling or tone-operated squelch tones to establish or continue voice communications.<sup>11</sup> On December 26, 2000, GARMIN filed a *Petition for Rulemaking* seeking to codify the terms of the requested waiver.<sup>12</sup> In the *GARMIN Order*, the Division concluded that grant of a waiver was warranted, but imposed certain technical specifications upon GARMIN intended to ensure that GARMIN's enhanced FRS radio did not compromise the basic nature of the FRS, and limited the waiver to a one-year period, *i.e.*, until September 29, 2001.<sup>13</sup> At GARMIN's request, the Division subsequently extended the waiver period to two years, *i.e.*, until September 29, 2002.<sup>14</sup> The Division stated that an extension was warranted in order to afford GARMIN a meaningful opportunity to make this equipment available in the market, given the time it takes to bring a new product to market.<sup>15</sup> On December 20, 2001, the Commission released a *Notice of Proposed Rulemaking* seeking comment on whether to amend the FRS rules as proposed by GARMIN.<sup>16</sup>

4. In its request for a further extension of the waiver, GARMIN states that it has proceeded diligently in developing GPS enhanced FRS units, has invested significant time and money into this endeavor, and has submitted appropriate applications to the Commission for approval of this product.<sup>17</sup> GARMIN argues that there is no certainty that the Commission will complete the rulemaking proceeding

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<sup>8</sup> *Id.* at 12984 ¶ 13; *see also* 47 C.F.R. §§ 95.193(a), 95.631(d).

<sup>9</sup> 47 C.F.R. § 95.193(a).

<sup>10</sup> *See* Letter, dated June 22, 2000, from GARMIN International, Inc. to Federal Communications Commission .

<sup>11</sup> *See* 47 C.F.R. § 95.631(d). Emissions are designated by an alphanumeric code that indicates the type of modulation of the main carrier, nature of the signal(s) modulating the main carrier, and the type of information to be transmitted. *See* 47 C.F.R. § 2.201(b). F3E is a type of frequency modulated voice emission. *See* 47 C.F.R. § 2.201(e).

<sup>12</sup> *Petition for Rulemaking*, filed December 26, 2000, by GARMIN International, Inc.

<sup>13</sup> *GARMIN Order*, 15 FCC Rcd 19146-47 ¶¶ 6-10.

<sup>14</sup> *See GARMIN Reconsideration Order*, 16 FCC Rcd at 7755 ¶ 5.

<sup>15</sup> *Id.*

<sup>16</sup> *See* Amendment of Sections 95.193(a) and 95.631(d) to Authorize the Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service, *Notice of Proposed Rulemaking*, WT Docket No. 01-339, 16 FCC Rcd 22876 (2001).

<sup>17</sup> 2002 Extension Request at 2.

prior to the expiration of the waiver on September 29, 2002.<sup>18</sup> Consequently, it requests that we extend the waiver until such time as the rulemaking proceeding is completed.

5. *Discussion.* As we stated in the *GARMIN Order*, we believe that allowing FRS units to transmit location information derived from the GPS would further the Commission's stated goals underlying the creation of the FRS.<sup>19</sup> We further recognize that bringing a new product to market requires manufacturers to undertake a time-consuming series of complex steps and we note that GARMIN appears to have been diligent in developing its GPS enhanced FRS unit. We further note the continued pendency of Garmin's rulemaking proposal before the Commission. Based on the information that GARMIN has provided us and given that the Commission has not yet completed the rulemaking indicated in our April 12, 2001 *Order on Reconsideration*, we believe that GARMIN has sufficiently demonstrated that it is in the public interest to further extend the waiver period. Accordingly, we will grant the request and extend the waiver period until the resolution of the rulemaking proceeding regarding GARMIN's *Petition for Rulemaking*.

6. We conclude that GARMIN has demonstrated that extending our grant of a waiver to allow it to manufacture and market FRS transceivers capable of transmitting GPS location information on FRS channels is warranted. We therefore extend the duration of this waiver to such time when the Commission completes the rulemaking proceeding regarding GARMIN's *Petition for Rulemaking*.

7. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, GARMIN International, Inc.'s request for extension of the waiver discussed herein, filed June 12, 2002, IS GRANTED.

8. IT IS FURTHER ORDERED that pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), the waiver granted to GARMIN International, Inc. on September 29, 2000 and extended on April 12, 2001 IS EXTENDED until completion of the rulemaking proceeding in WT Docket No. 01-339, under the same terms and conditions as the original waiver.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry  
Chief, Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau

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<sup>18</sup> *Id.*

<sup>19</sup> *GARMIN Order*, 15 FCC Rcd at 19146 ¶ 6.